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FAX COVER SHEET

TO: Examiner Deshpande **Fax#:** 571.273.8300
FROM: Katharina Schuster **Client Matter #:** 09/682,039 VIGN1130
DATE: June 9, 2006 **# of Pages:** 3
RE: 09/682,039

Please contact 512.637.9224 if there is a problem with this transmission.

Please see attached "Applicant Initiated Interview Request Form."

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form**RECEIVED
CENTRAL FAX CENTER****JUN 09 2006**

Application No.: **09/682,039** Examiner: **Kalyan K. Deshpande**

First Named Applicant: **Brendan J. Kitts** Art Unit: **3623**

Status of Application: **Pending**

Tentative Participants:

(1) **Katharina W. Schuster, Reg. No. 50,000** (2) **Kalyan K. Deshpande, Examiner**

(3) **Tariq Hafiz, SPE** (4)

Proposed Date of Interview: **June 14, 2006** Proposed Time: **10AM EST**

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description:

Issues to be Discussed

| Issues (Rej., Obj., etc.) | Claims/ Fig. #s | Prior Art | Discussed | Agreed | Not Agreed |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (1) Rejection | 19 | Delurgio et al. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) <u> </u> | <u> </u> | <u> </u> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Continuation Sheet Attached | | | | | |

Brief Description of Arguments to be Presented: The newly cited reference (Delurgio) seems to be concerned with optimizing prices of products for sale within a product category. Delurgio generally fails to teach how to model an operating parameter for a store (i.e., regardless of product categories) and particularly fails to teach all the claim limitations as recited in claim 19.

An interview was conducted on the above-identified application on . NOTE: This form should be completed by applicant and submitted to the Examiner in advance of the interview (see MPEP § 713.01). This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Katharina W. Schuster

Typed/Printed Name of Applicant or Representative

50,000

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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CENTRAL FAX CENTER**JUN 09 2006****Brief Description of Arguments to be Presented (Continued):**

Claim 19 was previously allowed by Examiner Tamara L. Graysay of Art Unit 3636. Claim 19 has not been amended since it was first allowed. The present Office Action is silent as to the withdrawal of allowability and the new rejection appears to reorient the point of view of the previous examiner, which is inconsistent with MPEP 704.01. Applicant respectfully requests full faith and credit be given to the search and action of the previous examiner and the allowability of claim 19 be reinstated.